

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE,
Plaintiff,
-against-
DAVID K. TOWNES,
Defendant.

1:19-cv-08034 (ALC)
ORDER

ANDREW L. CARTER, JR., United States District Judge:

On August 28, 2019, Plaintiff filed a complaint against Defendant David K. Townes alleging claims of: breach of contract; fraud; discrimination; hostile work environment; sexual harassment; retaliation; sexual assault; intentional access without authorization of a facility where electronic communication is stored; the use of a machine to capture communications of others; the intentional accessing of a computer without authorization or in excess of authorizations; and not receiving fair and adequate wages. ECF No. 1. Plaintiff additionally sought a temporary restraining order and an order to show cause for preliminary injunction.

That same day, the Court entered an order to show cause for preliminary injunction and temporary restraining order. ECF No. 4 [hereinafter the “Order”]. Pursuant to this Order, Plaintiff was ordered to serve the Defendant a copy of the Order and annexed affidavit by 10:00am on August 29, 2019. Further, the Defendant was ordered to submit a response to the application to the Court by September 4, 2019 and the parties were ordered to appear before the Court on September 11, 2019. Although Plaintiff complied with the Court ordered service requirement, the Defendant failed to respond to Plaintiff’s application and subsequently failed to appear for the Order to Show Cause hearing. ECF No. 7.

Pursuant to the September 11, 2019 hearing, Plaintiff's application for a preliminary injunction is hereby **GRANTED**. The Defendant, his agents, servants, employees, attorneys, and all others in active concert or participation with Defendant, are restrained and enjoined from:

1. Contacting Plaintiff and Plaintiff's son;
2. Acting on or making further threats of blackmail, extortion, retaliation and physical violence against Plaintiff and her son;
3. Using any other means to further intimidate and retaliate, defame, and destroy Plaintiff's reputation;
4. Revealing Plaintiff's name to the media or any other third party, other than Defendant's attorney;
5. Utilizing the rolodex and any other materials that Defendant unlawfully obtained from Plaintiff's computer;
6. Destroying evidence;
7. Destroying Plaintiff's physical property still in the possession of Defendant;

Plaintiff is hereby **ORDERED** to serve a copy of this order and supporting materials upon the Defendant or Defendant's counsel on or before on September 25, 2019 through personal service.

In addition, the Court is in receipt of the Plaintiff's letter dated September 11, 2019, requesting a pre-motion conference concerning its anticipated motion for contempt against Defendant Townes. Per this Court's Individual Rules, upon the filing of such a letter motion, the opposing party must within three business days submit a letter, not to exceed three pages, setting forth its position. Accordingly, the Court ordered the Defendant to respond by September 18, 2019. ECF No. 10. As of the date of this writing, the Defendant has failed to do so. Plaintiff's

request for a pre-motion conference is **DENIED**. The parties are hereby **ORDERED** to adhere to the following briefing schedule:

Motion for Contempt:

October 21, 2019

Opposition to Motion:

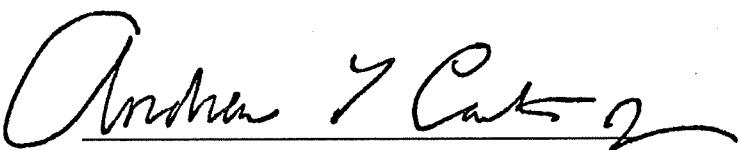
November 20, 2019

Reply to Opposition:

December 4, 2019

SO ORDERED.

Dated: September 20, 2019
New York, New York



ANDREW L. CARTER, JR.
United States District Judge